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10/673,743

09/26/2003

Robert Levine

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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

SAADAT, CAMERON

ART UNIT

PAPER NUMBER

3714

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/673,743

Applicant(s)

LEVINE, ROBERT

Examiner

Cameron Saadat

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to amendment filed 8/28/2006, claims 1 and 3-20 are pending in this application.

Claim 2 is cancelled.

Claim Objections

Claims 5, 11-14, and 16-20 objected to because of the following informalities: It appears that the dependency of these original claims has been mistakenly amended to read "according to claim o". This appears to be a typographical error; therefore the claims have been examined according to their original dependency. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Eggert et al. (USPN 6,527,558; hereinafter Eggert).

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Regarding claim 1, Eggert discloses a method which comprises the steps of: electronically determining a medical condition for a virtual patient; electronically simulating a medical examination on the patient; and electronically administering at least one course of treatment on the virtual patient. See Col. 2, lines 55-62; wherein the step of simulating the medical examination includes providing dynamic

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internal views and external views of organs and systems associated with the medical condition. See Fig. 18; Col. 2, line 55 – Col. 3, line 5.

Regarding claim 3, Eggert discloses a method wherein the medical condition is a cardiac arrest. See Fig. 13, ref. 160.

Regarding claim 4, Eggert discloses a method wherein the step of simulating the at least one course of treatment includes medicating the virtual patient and providing dynamic internal views and external views of organs and systems affected by an administered medication. See Col. 2, line 55 – Col. 3, line 5.

Regarding claim 5, Eggert discloses a method wherein the medication is epinephrine and atropine. See Fig. 13, ref. 150, 152.

Regarding claim 6, Eggert discloses a method which further comprises visually indicating, with the virtual patient, at least one location of pain associated with the medical condition during the medical examination. See Col. 14, lines 38-48.

Regarding claim 7, Eggert her discloses a method wherein the step of electronically providing the medical condition includes altering a severity of the medical condition according to one of the at least one course of treatment and a timeliness of response in administering at least one preferred course of treatment. See Col.12, lines 62-67.

Regarding claim 8, Eggert discloses a method wherein the simulated medical examination includes performing EKGs. See Fig. 23.

Regarding claim 9, Eggert discloses a method wherein the step of simulating the at least one course of treatment includes CPR, and EKGs. See Fig. 23, Col. 12, line 45.

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Regarding claim 10, Eggert discloses a system for simulating an electronic dynamic human body and simulating interactive patient care and treatment, the system comprising: an instructional database containing data for at least one medical condition having dynamic internal views and external views of organs and systems relevant to the medical condition and data for at least one patient profile; an instructional processing device electronically connected to the instructional database, the processing device being configured to generate a virtual patient from the data of a selected patient profile and to simulate a medical examination and at least one course of treatment; and an input control device electronically connected to the processing device to generate control signals interacting with the virtual patient and to alter the simulated medical examination and the simulated at least one course of treatment. See Col. 2, lines 55-62; Col. 12, lines 46-67; See Fig. 18; Col. 2, line 55 – Col. 3, line 5.

Regarding claim 11, Eggert discloses a display device electronically connected to the processing device configured to visualize the effects of the simulated medical examination and the simulated at least one course of treatment on the virtual patient through dynamic internal views and external views of organs and systems. See Fig. 18; Col. 2, line 55 – Col. 3, line 5.

Regarding claim 12, Eggert discloses a system further comprising: a communications network 16 electronically connected to the instructional processing device 15; and multiple instructional consoles electronically connected to the communications network, each console observing the virtual patient and the simulated medical examination and the simulated at least one course of treatment. See Col. 12, lines 57-67.

Regarding claim 13, Eggert discloses a system wherein the multiple instructional consoles each provide feedback containing a suggested course of treatment to the instructional processing device. See Col. 12, lines 57-67; Col. 15, lines 1-8.

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Regarding claim 14, Eggert discloses a system wherein the instructional processing device includes a clock 215 and the virtual patient is generated from data based on a real patient medical history, the virtual patient receiving the at least one course of treatment provided in the medical history. See Col. 14, lines 38-55.

Regarding claim 15, Eggert discloses an apparatus for medical instruction, comprising: a machine readable medium containing instructions which, when executed by a machine, cause the machine to perform operations including: generating a medical condition for a virtual patient; and administering a simulated medical examination on the patient, the simulated medical examination having dynamic internal views and external views of organs and systems relevant to the medical condition. See Col. 2, lines 55-62; Col. 12, lines 46-67; See Fig. 18; Col. 2, line 55 – Col. 3, line 5.

Regarding claim 16, Eggert discloses an apparatus, wherein the machine readable medium contains instructions that cause the machine to administer at least one course of treatment on the virtual patient based in part on the simulated medical examination. See Col. 15, lines 1-8.

Regarding claim 17, Eggert discloses an apparatus wherein the at least one course of treatment includes medicating the virtual patient. See Fig. 13, ref. 54f.

Regarding claim 18, Eggert discloses an apparatus wherein the machine readable medium contains instructions that cause the machine to observe the simulated effect of medicating the virtual patient on the medical condition with at least one dynamic internal view and at least one external view. See Fig. 18; Col. 2, line 55 – Col. 3, line 5.

Regarding claim 19, Eggert discloses an apparatus wherein the simulated medical examination is conducted according to information provided in a medical history of a real patient and the reactions of the

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virtual patient correspond to the reactions of the real patient recorded in the medical history. See Col. 14, lines 38-55.

Regarding claim 20, Eggert discloses an apparatus wherein the machine readable medium contains instructions that cause the machine to alter a severity of the medical condition according to a timeliness of response in providing a preferred course of treatment. See Col.12, lines 62-67.

Response to Arguments

Applicant's arguments filed 8/28/2006 have been fully considered but they are not persuasive. Applicant emphasizes that Eggert does not disclose that feedback includes dynamic views of internal organs. However, the claims do not include the limitation "dynamic views of internal organs", but instead, "providing dynamic internal views and external views of organs..." Accordingly, Eggert displays dynamic views of a human upper torso 224 and instructs a user to place a stethoscope icon 226 in a correct anatomical area of the torso for hearing a particular sound associated with the heart and lungs. The view of the upper torso 224 includes internal and external views of skin. See Figure 18 (chest and arms); Col. 15, lines 1-29.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cameron Saadat
April 16, 2007


ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER